



# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ids.2499.pct.nm/a.d		<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/15
International application No. PCT/GB 03/04108		International filing date (day/month/year) 16.09.2003		Priority date (day/month/year) 16.09.2002
International Patent Classification (IPC) or national classification and IPC G11B27/34				
Applicant INFINITE DATA STORAGE LTD				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand  15.04.2004		Date of completion of this report  25.01.2005		
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer  Glasser, J-M  Telephone No. +49 89 2399-6011 		

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International application No.  
PCT/GB 03/04108

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**Box No. 1 Basis of the report**

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1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the elements\* of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, Pages**

1-14 as originally filed

**Claims, Numbers**

1-40 as originally filed

**Drawings, Sheets**

1/2-2/2 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing *(specify)*:
  - ☐ any table(s) related to sequence listing *(specify)*:
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing *(specify)*:
  - ☐ any table(s) related to sequence listing *(specify)*:

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1, 3-5, 24
	No: Claims	
Inventive step (IS)	Yes: Claims	11, 14, 28-30, 35
	No: Claims	2, 3, 6-10, 12, 13, 15-23, 25-27, 31-34, 36-40
Industrial applicability (IA)	Yes: Claims	1-40
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

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The examination is being carried out on the following application documents:

Text for the Contracting States:

AL AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IT LI LT LU LV MC MK NL PL PT RO SE SI  
SK TR

Description, pages:

1-14 as originally filed

Claims, No.:

1-40 as originally filed

Drawings, sheets:

1/2-2/2 as originally filed

**Item V**

**Reasoned statement with regard to novelty, inventive step or industrial  
applicability; citations and explanations supporting such statement**

Reference is made to the following documents:

- D1: US 2002/051065 A1 (TAKAHASHI ISAO) 2 May 2002 (2002-05-02)
- D2: US-B1-6 389 223 (AOTAKE HIDENORI) 14 May 2002 (2002-05-14)
- D3: US-B1-6 295 139 (IZAWA FUMIO ET AL) 25 September 2001 (2001-09-25)
- D4: US-B1-6 256 059 (FICHTNER MARK R) 3 July 2001 (2001-07-03)
- D5: WO 02/069632 A (HEWLETT PACKARD CO) 6 September 2002
- D6: EP-A-0 755 162 (SONY CORP) 22 January 1997 (1997-01-22)
- D7: EP-A-1 176 595 (SONY CORP) 30 January 2002 (2002-01-30)

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10/528127  
D112 Rec'd PCT/PTO 15 MAR 2005  
International application No.

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**1 Clarity**

- 1.1** It is clear from the description on page 8, lines 5-12 that the following features are essential to the definition of the invention:

- (1) Peer to peer communication.
- (2) Data files can be requested by the storage device from the data source
- (3) Data files can be stored by the storage device on the medium without the need of a Personal Computer.

Since **independent claims 1, 3, 5, 24** do not contain these features, their scope is broader than justified by the description and drawings and they do not meet the requirement following from Article 6 PCT taken in combination with Rules 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

- 1.2** In the expression "... wherein the device ..." used in **claim 4** line 15, it is not clear to which device the definite article relates to, thus leaving the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claim unclear (Article 6 PCT).

**2 Lack of Novelty**

- 2.1** The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **independent claims 1, 3, 4** is not new in the sense of Article 33(2) PCT.

Document **D4** discloses a storage device (D4, column 2, lines 7-13) adapted to act as a master on a peripheral interface (D4, column 2, line 43), a device comprising the storage device (D4, column 2, line 10), a data writing means to write data to a storage medium (implicit in D4, column 2, line 10), and a peripheral interface device (D4, column 2, line 43) wherein the storage device acts as the host (D4, column 2, lines 44-50).

Furthermore, it is pointed out that should the Applicant dispute the aforementioned novelty objection based on minor differences of interpretation between some of the features of independent Claims 1, 3, 4 and the features of D4, the subject-matter of these independent Claims would still not involve an inventive

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step in the sense of Article 33(3) PCT, considering that D4 essentially provides the same solution as the present application to the problem of storing image data from a still camera. Thus the present application does not meet the criteria of Article 33(1) PCT.

A similar argumentation could be performed using document D1 which discloses a storage device (figure 1, "2") adapted to act as a master on a peripheral interface (figure 1, "3"), a device comprising the storage device, a data writing means to write data to a storage medium (figure 1, "22"), and a peripheral interface device (figure 1, "23") wherein the storage device acts as the host (implicit for a PC).

**2.2** The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **independent claims 5 and 24** is not new in the sense of Article 33(2) PCT.

- document D4 discloses, according to all the features of **claim 5**, a device (D4, column 2, lines 7-13) adapted to act as a master on a peripheral interface (D4, column 2, line 43), adapted to automatically detect a connected peripheral (D4, claim 2) and transfer data from the connected peripheral to a storage medium (implicit in D4, column 2, line 10). Thus its subject-matter is lacking novelty.

- **Independent claim 24** defines the method associated with the device claimed by claim 5. As it differs only by minor features already disclosed in D4 (see D4, claim 1), its subject-matter is also lacking novelty.

**2.3** **Dependent claims 2, 6-10, 12,13, 15-23, 25-27, 31-34, 36-40** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty or inventive step, see the documents and the corresponding passages cited in the search report. The reasons therefore are that their features have already been employed for the same purpose in the prior art or consist of slight constructional changes which come within the scope of the customary practice followed by persons skilled in the art. See for instance:

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Claims 2, 7, 8, 25	: Implicit in D4, see also D7 Abstract.
Claim 6	: Implicit in D4.
Claims 9, 32	: D4, column 5, lines 18-27.
Claims 10, 27	: D1, abstract, "shutter". See also D4, figure 107.
Claims 12, 33	: D4, figure 107.
Claims 13, 34	: D1, abstract, "shutter".
Claims 15, 35	: D4, abstract.
Claim 16	: D4, figure 1, "60".
Claim 17	: D4, figure 1, "60".
Claims 18, 36	: D3, claim 1, figure 1, "605", "811".
Claims 19, 37	: D5, page 11, line 17
Claims 20, 38	: D3, figure 61. See also D2, Claim 4, "MPEG".
Claim 21	: D1, claim 34 or D5, figure 1B.
Claims 22, 39	: D5, figure 1B, claim 1.
Claims 23, 40	: D5, claim 2. See also D6, claim 10.
Claim 26	: D3, figure 87b.

- 2.4 The combination of the features of **dependent claims 11, 14, 28-30, 35** seems not rendered obvious by the available prior art.